

INA-PT046RE
(3576-18US.1)

Express Mail Label No.: EV318164192
PATENT

**DECLARATION AND POWER OF ATTORNEY
FOR REISSUE APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship is stated below.

I believe that I am the original and sole inventor of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled:

ELASTIC SEAL FOR A GUIDE ROLLER

original issued patent number 6,443,460 B2, issued September 3, 2002 from U.S. Application Serial Number 09/764,815, filed January 18, 2001.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, accompanying my Declaration, specifically including the amendments referenced in paragraphs 2 and 3 below.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Pursuant to 37 C.F.R. § 1.175, Reissue Applicant declares:

1. Reissue Applicant verily believes letters Patent Number 6,443,460 is partly inoperative or invalid because it claims more than the patentee had the right to claim.
2. Specifically, Reissue Applicant believes that claim 1 as issued is anticipated or obvious in view of one or more guide rollers produced by McGill Mfg. Co. Inc. prior to the critical date of the present application. Specific information regarding two McGill Products, Model Nos. MCFR-30-S and CF-1½-S, was forwarded to me by Applicant's attorney after this patent issued, and has been included in an Information Disclosure Statement for this application. I was not aware of this prior art prior to the issuance of this patent.
3. Upon receipt of the information from McGill, it was reviewed by the patent counsel for the assignee of this patent. Upon confirming with McGill that the products were offered for sale in the U.S. prior to the critical date of the present application, and a review of the materials by patent counsel, the assignee and I were advised that a reissue application could

Reissue Applicant: Josef Weiss
Reissue of Patent No.: 6,443,460 B2

be filed to bring this newly received prior art to the attention of the Examiner, and amend the claims accordingly to protect subject matter that is not disclosed by the McGill or any other prior art known to Applicant. Specifically, claim 1 has been amended to include the subject matter of claims 2 and 3, and these claims have been cancelled. Claim 1 now also specifically recites that a gap, labyrinth type seal is formed by the second sealing portion in a neutral position of the outer race. New claims 8 and 9 have also been added to claim additional features of the invention that were originally disclosed in the specification and not specifically claimed.

4. The Preliminary Amendment accompanying this Declaration amends claim 1, cancels originally issued claims 2 and 3, and adds new claims 8 and 9. The claims are believed to be patentable over the prior art.

5. Reissue Applicant states that the errors set forth above up to the time of filing this Declaration arose without any deceptive intention on the part of Applicant.

Pursuant to 37 C.F.R. §1.178, surrender of the original letters Patent No. 6,443,460 B2 is hereby offered. This original Patent will be tendered in due course.

I hereby claim the foreign priority benefits under Title 35, United States Code, Section 119 (a) – (d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Appln.</u>	<u>Country</u>	<u>Foreign Filing Date</u>	<u>Priority Claimed</u>
100 01 681.2	Germany	01/18/2000	Yes
100 24 529.3	Germany	05/18/2000	Yes

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) and or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal

Reissue Applicant: Josef Weiss
Reissue of Patent No.: 6,443,460 B2

Regulations, Section 1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

_____	_____	_____
(Application Number)	(Filing Date)	(Status: patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Pursuant to 37 C.F.R. §1.34, please recognize as associate attorneys or agents in this application the registered attorneys and agents associated with **Volpe and Koenig, P.C., Customer No. 3624.**

Direct all telephone calls to: Randolph J. Huis at (215) 568-6400.

Address all correspondence to: Volpe and Koenig, P.C., Customer No. 3624.

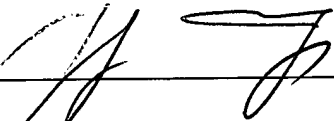
I hereby authorize the U.S. attorney or agent named herein to accept and follow instructions from any assignee of this invention as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and myself.

In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by me.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Reissue Applicant: Josef Weiss
Reissue of Patent No.: 6,443,460 B2

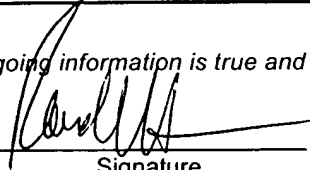
Full name of sole inventor: Josef Weiss

Inventor's signature:  Date: 2003-09-01

Residence: 91322 Gräfenberg

Citizenship: German

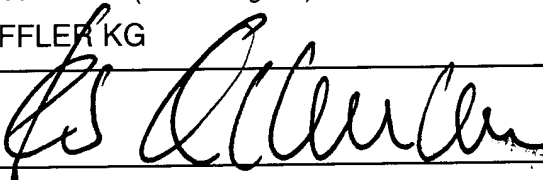
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Form PTO-1595 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼	RECORDATION FORM COVER SHEET PATENTS ONLY	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.		
1. Name of conveying party(ies): INA Wälzlager Schaeffler oHG Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies) Name: <u>INA-Schaeffler KG</u> Internal Address: _____ _____ Street Address: <u>Industriestrasse 1-3</u> _____ City: <u>Herzogenaurach</u> State: _____ Zip: <u>91074</u> Country: <u>Germany</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>October 14, 2002</u>		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) B. Patent No.(s) See attached Schedule A. See attached Schedule A. Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>RANDOLPH J. HUIS</u> Internal Address: <u>VOLPE AND KOENIG, P.C.</u> <u>UNITED PLAZA, SUITE 1600</u> _____ Street Address: <u>30 SOUTH 17TH STREET</u> _____ City: <u>PHILADELPHIA</u> State: <u>PA</u> Zip: <u>19103</u>	6. Total number of applications and patents involved: <input type="text" value=""/> 7. Total fee (37 CFR 3.41).....\$ <u>2,200.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>22-0493</u> <u>Volpe and Koenig, P.C.</u> (Attach duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE		
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> <u>RANDOLPH J. HUIS</u>  <u>July 8, 2003</u> Name of Person Signing Signature Date Reg. No. 34,626 Total number of pages including cover sheet, attachments, and documents: <u>18</u> Sheet <u>1</u> of <u>2</u>		

Mail documents to be recorded with required cover sheet information to:

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REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) INA-PT046RE
<p>This is part of the application for a reissue patent based on the original patent identified below.</p>		
Name of Patentee(s) Josef Weiss		
Patent Number 6,443,460	Date Patent Issued September 3, 2002	
Title of Invention ELASTIC SEAL FOR A GUIDE ROLLER		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
<p>The assignee(s) owning an undivided interest in said original patent is/are <u>INA SCHAEFFLER KG</u>, and the assignee(s) consents to the accompanying application for reissue.</p>		
Name of assignee/inventor (if not assigned) INA SCHAEFFLER KG		
Signature		Date August 18, 2003
<p>Typed or printed name and title of person signing for assignee (if assigned)</p> <p>Mr. Jes Carstensen Manager, Intellectual Property Department</p>		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: INA SCHAEFFLER KG

Application No./Patent No.: 6,443,460 Filed/Issue Date: September 3, 2002

Entitled: ELASTIC SEAL FOR A GUIDE ROLLER

INA SCHAEFFLER KG, a German Company,
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Josef Weiss To: INA Wälzlager Schaeffler oHG
The document was recorded in the Patent and Trademark Office at
Reel 011426, Frame 0267, or for which a copy thereof is attached.
2. From: INA Wälzlager Schaeffler oHG To: INA Schaeffler KG
The document was recorded in the Patent and Trademark Office at
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3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE:] A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

August 18, 2003
Date

[Signature]
Signature

Jes Carstensen

Typed or printed name

Manager, Intellectual Property Department

Title